

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)
) CASE NO. 13-74722-pmb
GEORGE ANTHONY TAYLOR,)
) CHAPTER 13
Debtor.)

**MOTION TO ALLOW COMPROMISE OF CLAIM AND APPLICATION FOR
COMPENSATION OF DEBTOR’S COUNSEL**

COMES NOW THE DEBTOR in the above-styled Chapter 13 case, by and through counsel, and files this "Motion to Allow Compromise of Claim and Application for Compensation of Debtor’s Counsel (“Motion”) pursuant to 11 U.S.C. § 329, showing to this Court the following:

1.

This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334, 28 U.S.C. § 151, and 28 U.S.C. § 157.

2.

This Court is the proper venue for this matter pursuant to 28 U.S.C. § 1409.

3.

This matter is a core proceeding within the contemplation of 28 U.S.C. § 157.

4.

Debtor filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code November 12, 2013 and is eligible for relief under 11 U.S.C. § 109.

5.

Debtor’s counsel brought the instant action for the purpose of pursuing a claim against Resurgent Capital Services, L.P. (“Resurgent”) for alleged violations of the Fair Debt Collection

Practices Act (15 U.S.C. § 1692 et seq.). Resurgent denies any and all liability as to the Debtor's claim.

6.

Debtor's Counsel has reached a settlement agreement to resolve the Debtor's claim as against Resurgent. The proposed settlement includes disallowance of the proof of claim giving rise to Debtor's complaint, Proof of Claim No. 8, Proof of Claim No. 9 and Proof of Claim No. 12 and payment of \$500.00 to the Debtor, and is made in order to resolve this matter in a cost-effective and expedient manner; to avoid the costs, delay and uncertainty of litigation; and in the interest of concluding all the issues presented in the adversary proceeding.

7.

In addition to the amounts paid to Debtor, Resurgent has agreed to pay an additional \$1,357.14 in fees and costs to Debtor's Counsel.

8.

Debtor and Debtor's Counsel contend that the fees and costs being paid by Resurgent are reasonable under the circumstances of the case including the amount of time and effort put into the matter, the nature of the claim, the tangible and intangible results obtained, and the experience and expertise of Debtor's Counsel.

9.

Debtor proposes to retain \$500.00 of the proceeds payable to Debtor for unanticipated expenses.

WHEREFORE, Debtor prays:

- (a) That this Motion be filed, read, and considered;
- (b) That this Honorable Court grant this Motion; and,
- (c) That this Honorable Court grant such further relief as it may deem just and proper.

Respectfully submitted,

/s/

Carrie Oxendine
GA Bar No. 141478
Attorney for Debtor
BERRY AND ASSOCIATES
2751 Buford Hwy, Suite 600
Atlanta, GA 30324
(404) 235-3300
Carrie@mattberry.com

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GEORGE ANTHONY TAYLOR,)
) CHAPTER 13
Debtor.)

NOTICE OF ASSIGNMENT OF HEARING

PLEASE TAKE NOTICE that the above referenced Debtor has filed a “Motion to Allow Compromise of Claim and Application for Compensation of Debtor’s Counsel” (“Motion”) and related papers with the Court seeking an order on the Motion.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia, on **January 5, 2017 at 10:00 a.m.**

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, Room 1340, 75 Ted Turner Drive, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: November 16, 2016

_____/s/
Carrie Oxendine
GA Bar No. 141478
Attorney for the Debtor
BERRY & ASSOCIATES
2751 Buford Highway, Suite 600
Atlanta, GA 30324
(404) 235-3300
carrie@mattberry.com

CERTIFICATE OF SERVICE

This is to certify under penalty of perjury that I am over the age of 18 and that on this day I served the following parties with a copy of the attached pleadings by placing true copies of same in the United States Mail with adequate postage affixed to insure delivery, addressed to:

Adam M. Goodman
Chapter 13 Trustee
260 Peachtree Street NW
Suite 200
Atlanta, GA 30303

George A. Taylor
2205 Sandgate Circle
College Park, GA 30349

US Trustee
362 Richard Russell Building
75 Ted Turner Dr.
Atlanta, GA 30303

(Plus all Creditors on attached Creditor Mailing Matrix)

This the 17th day of November, 2016.

/s/
Carrie Oxendine
GA Bar No. 141478
Attorney for the Debtor

BERRY & ASSOCIATES
2751 Buford Highway, Suite 600
Atlanta, GA 30324
(404) 235-3300

Label Matrix for local noticing
113E-1
Case 13-74722-pmb
Northern District of Georgia
Atlanta
Wed Nov 16 14:49:47 EST 2016

American InfoSource LP as agent for
Midland Funding LLC
PO Box 268941
Oklahoma City, OK 73126-8941

Asset Acceptance LLC
Po Box 2036
Warren, MI 48090-2036

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Benfcl/hfc
Po Box 3425
Buffalo, NY 14240-3425

Matthew Thomas Berry
Matthew T. Berry & Associates
Suite 600
2751 Buford Highway
Atlanta, GA 30324-5457

Capital 1 Bank
Attn: Bankruptcy Dept.
PO Box 30285
Salt Lake City, UT 84130-0285

Karrollanne K. Cayce * (T)
Aldridge Pite, LLP
Suite 500 - Fifteen Piedmont Center
3575 Piedmont Road, NE
Atlanta, GA 30305-1636

Elizabeth A. Childers
McCurdy and Candler
Six Piedmont Center - Suite 700
3525 Piedmont Road NE
Atlanta, GA 30305-1578

Chrysler Credit/TD Auto Finance
Attn: Bankruptcy
PO Box 551080
Jacksonville, FL 32255-1080

Chrysler Financial Services Americas LLC
c/o MacDowell & Associates
PO Box 450849
Atlanta, GA 31145-0849

Chrysler Financial/TD Auto Finance
Attn: Bankruptcy Dept
PO Box 551080
Jacksonville, FL 32255-1080

Credit One Bank
PO Box 98873
Las Vegas, NV 89193-8873

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

Discover Fin Svcs Llc
Po Box 15316
Wilmington, DE 19850-5316

Fia Csna
4060 Ogletown/stanton Rd
Newark, DE 19713

Firstbkde/cf
5301 Limestone Rd.
Suite 106
Wilmington, DE 19808-1251

Adam M. Goodman
Adam M. Goodman, 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303-1236

HSBC Bank USA, National Association
c/o Ocwen Loan Servicing, LLC.
Attn: Bankruptcy Department
P.O. Box 24605
West Palm Beach, FL 33416-4605

Hsbc Bank
Po Box 30253
Salt Lake City, UT 84130-0253

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

P. Nicholas Johnson
Matthew T. Berry & Associates
Suite 600
2751 Buford Highway
Atlanta, GA 30324-5457

LVNV Funding LLC its successors and assigns
c/o Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Merrick Bank
c/o Resurgent Capital Services
PO Box 10368
Greenville, SC 29603-0368

Ciro A. Mestres
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Suite 500 - Fifteen Piedmont Center
3575 Piedmont Road, NE
Atlanta, GA 30305-1636

Midland Funding
8875 Aero Dr Ste 200
San Diego, CA 92123-2255

OCWEN LOAN SERVICING, LLC
Aldridge Connors LLP
Fifteen Piedmont Center
3575 Piedmont Rd NE Ste 500
Atlanta, GA 30305-1636

Ocwen
PO Box 6440
Carol Stream, IL 60197-6440

Carrie L Oxendine
Matthew T. Berry & Associates
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2751 Buford Highway
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(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

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TD AUTO FINANCE
C/O MACDOWELL & ASSOCIATES LTD.
P.O. BOX 450849
ATLANTA, GEORGIA 31145-0849

George Anthony Taylor
2205 Sandgate Circle
College Park, GA 30349-4370

Tribute
Pob 105555
Atlanta, GA 30348-5555

U. S. Attorney
600 Richard B. Russell Bldg.
75 Spring Street, SW
Atlanta GA 30303-3315

Wachovia Bank Vsf/Wells Fargo
PO Box 31557
MAC B6955-01B
Billings, MT 59107-1557

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bank Of America
Attention: Recovery Department
4161 Piedmont Pkwy.
Greensboro, NC 27410

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Asset Acceptance LLC
Po Box 2036
Warren MI 48090-2036

(u)HSBC Bank USA, National Association

(u)JPMorgan Chase Bank National Association

End of Label Matrix
Mailable recipients 36
Bypassed recipients 3
Total 39